

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 1272.

(Given pursuant to section 4 of the Food and Drugs Act.)

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#### MISBRANDING OF BEER.

On October 18, 1911, the United States Attorney for the Northern District of West Virginia, acting upon the report by the Secretary of Agriculture, filed six informations in the District Court of the United States for said district against the Benwood Brewing Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about October 10, 1910, from the State of West Virginia into the State of Ohio of 982 bottles of beer which were misbranded. The product was labeled: (3 bottles) "Gambrinus Col. O."; (9 bottles) "N. Schlee & Son Columbus, O."; (47 bottles) "Columbus Brewing Co. Columbus, O."; (66 bottles) "Franklin Brewing Co. Columbus, O."; (857 bottles) "Hoster Columbus."

Samples from said shipment were procured and examined by the Bureau of Chemistry of the United States Department of Agriculture and upon investigation it was found that said beer was manufactured and produced by the Benwood Brewing Co., Wheeling, W. Va. Misbranding was alleged against the product in the informations for the reason that it was labeled and branded so as to deceive and mislead the purchaser, in that the labels were calculated and intended to create the impression and belief in the mind of the purchaser thereof that said beer was manufactured, brewed, and bottled in the city of Columbus, State of Ohio, by the several brewing concerns whose names appeared on the labels, when in fact said product was not manufactured, brewed, and bottled by said brewing concerns, but was manufactured, brewed, and bottled by the Benwood Brewing Co. in the city of Wheeling, State of West Virginia.

On October 23, 1911, the defendant pleaded guilty to the three informations charging misbranding of the lots of beer labeled, respectively, Gambrinus; N. Schlee & Son; Hoster Columbus, and was fined \$10 and costs in each of said cases. The two cases involving the beer labeled, respectively, Franklin Brewing Co. and Columbus Brewing Co., were continued.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *January 6, 1912.*